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07-CV-00211-ORD

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON
 AT SEATTLE

HENK VISSER,

Plaintiff,

v.

BOEING, et al.,

Defendants.

CASE NO. C07-211-MJB

ORDER DENYING APPLICATION
 TO PROCEED IN FORMA PAUPERIS
 AND DISMISSING CASE

Plaintiff, appearing *pro se*, has filed an application to proceed *in forma pauperis* ("IFP") in this action. Dkt. #1. The Honorable Marsha J. Pechman re-referred this matter to the undersigned Magistrate Judge for reconsideration of whether Plaintiff should be allowed to proceed in forma pauperis in light of a Ninth Circuit bar order against him and the questionable viability of his complaint.¹ Dkt. #7.

Pursuant to 28 U.S.C. § 1915(e)(2)(B), this Court may deny an application to proceed IFP and shall dismiss an action if it is frivolous or the complaint fails to state a claim upon

¹This Court previously issued an order on February 15, 2007, granting Plaintiff leave to proceed *in forma pauperis* based solely on his demonstration of indigency. Dkt. #3.

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1 which relief can be granted.² See 28 U.S.C. § 1915(e)(2)(B)(i)-(ii); *O'Loughlin v. Doe*, 920
2 F.2d 614 (9th Cir. 1990). An action is frivolous if "it lacks an arguable basis in law or in fact."
3 *Neitzke v. Williams*, 490 U.S. 319, 325 (1989).

4 In *Visser v. Supreme Court of State of Cal.*, 919 F.2d 113 (9th Cir. 1990), the court
5 stated, "This court has the inherent power to restrict a litigant's ability to commence abusive
6 litigation in forma pauperis." *Id.* at 114 (citing *In re McDonald*, 489 U.S. 180, 109 S.Ct. 993,
7 103 L.Ed.2d 158 (1989)). The Ninth Circuit noted numerous mandamus petitions with requests
8 to proceed IFP that petitioner Henk Visser had filed in that court, and his five pending
9 mandamus petitions which contained vague, rambling diatribes that had been put forward
10 without success in all his prior filings. The court therefore concluded that he had engaged in a
11 pattern of litigation which is manifestly abusive and denied his IFP request. *Visser*, 919 F.2d at
12 114.


13 Since the Court's February 15, 2007 order in the present case, Plaintiff has filed three
14 additional pleadings, including a complaint against others such as the Secretaries of State of
15 several U.N. Nations (Dkt. #6), and an amended complaint against emperors, kings, and princes
16 (Dkt. #8). The third filing, a notice of appeal, is brought against "those Bankruptcy Judges in
17 the region of New Rork [sic] and Maryland." Dkt. #9. Allegations in Plaintiff's complaints
18 appear to ramble and cite to Dutch law, U.S. federal law, and violations of the "Law of
19 Nations." Dkt. ## 1, 6, 8. However, the complaints do not state any discernable claim under
20 United States jurisprudence. Each pleading separately appears frivolous and collectively, only
21 more so. Thus, the Complaint should be DISMISSED as frivolous. *Neizke*, 490 U.S. at 325.

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24 ² Although not controlling here, a review of court records under his name in other
jurisdictions show that Henk Visser has filed 29 bankruptcy cases and 24 appellate cases.

1 The Court advises Plaintiff of his responsibility to research the facts and law before
2 filing an action to determine whether the action is frivolous. If Plaintiff files a frivolous action,
3 he may be sanctioned. *See* Fed. R. Civ. P. 11(b). If Plaintiff files numerous frivolous or
4 malicious actions, the court may bar him from proceeding IFP in this court. *See Delong v.*
5 *Hennessey*, 912 F.2d 1144, 1146-48 (9th Cir. 1990) (discussing bar order requirements).

6 Accordingly, Plaintiff's complaint fails to state a claim upon which relief may be
7 granted. Plaintiff's IFP application is DENIED and this matter is DISMISSED without
8 prejudice. *See* 28 U.S.C. § 1915(e)(2)(B).

9 DATED this 7 day of March, 2007.

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11 
12 MARSHA J. PECHMAN
United States District Judge

13
14 Recommended for Entry
15 this 7th day of March, 2007:

16 /s/Monica J. Benton
17 MONICA J. BENTON
18 United States Magistrate Judge

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